

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED REC.  
for Harrisonburg  
MAY 22 2009  
JOHN F. CORCORAN, CLERK  
BY: *S. Wilson*  
DEPUTY CLERK

ANITA FOMBY,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

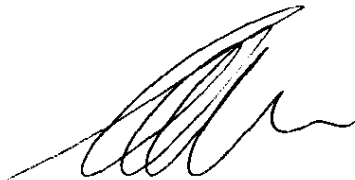
Civil Action No. 5:08CV00049

**FINAL ORDER**

By: Samuel G. Wilson  
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered reversing the decision of the Commissioner, granting judgment to the plaintiff, denying the defendant's motion for summary judgment, and remanding the case to the Commissioner for the purpose of calculating and paying benefits. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED** and **ADJUDGED** that the final decision of the Commissioner is **REVERSED**, judgment is **GRANTED** to the plaintiff, defendant's motion for summary judgment is **DENIED**, the case is **REMANDED** to the Commissioner for calculating and paying benefits, and this case is **ORDERED** stricken from the docket of the court.

**ENTER:** This May 22, 2009.

  
UNITED STATES DISTRICT JUDGE